

Sixth Appellate District

San Jose, California

MONDAY, NOVEMBER 4, 2002

H023704 KINDER v. GOURLEY, as Director, etc.

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,  
Wunderlich, J.)

Filed November 4, 2002

H021890 MARRIAGE OF ROBINSON

H022401 MARRIAGE OF ROBINSON

In appeal H021890, we reverse the order and remand the matter to the trial court to determine appropriate temporary and permanent spousal support awards that are not based on any consideration of adult-child expenses. We further reverse the \$30,000 award of attorney fees, relating to the fees incurred through the February 2000 hearing on permanent spousal support. On remand, we direct the court to reconsider the necessity and amount of any need-based fee award pursuant to Family Code sections 2030, 2032, subdivision (b), and 4320, based on its reassessment of the parties' relative financial circumstances.

In appeal H022401, we reverse the order and remand the matter to the trial court to determine an appropriate temporary spousal support award pending the appeals that is not based on any consideration of adult-child expenses. We further reverse the pendente lite attorney fee awards for \$20,000 and \$10,000. On remand, we direct the court to reconsider the necessity and amount of any need-based fee award pursuant to Family Code sections 2030, 2032, subdivision (b), and 4320, based on its reassessment of the parties' relative financial circumstances. The attorney fee award for \$10,000 is further reversed for lack of substantial evidence and remanded for reconsideration.

The parties are to bear their own costs on appeal.  
(not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing,  
J.)

Filed November 4, 2002

Sixth Appellate District

San Jose, California

TUESDAY, NOVEMBER 5, 2002

H022848 NOGUCHI v. GUIDANT CORPORATION

The judgment is reversed. The matter is remanded to the trial court with directions to enter an order granting Guidant's motion for summary adjudication of the issue of duty related to Noguchi's unvested options and denying Guidant's motion for summary judgment. The parties shall bear their own costs on appeal. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed November 5, 2002

H022797 PEOPLE v. GERARDO L.

H023382 PEOPLE v. GERARDO L.

The probation conditions are modified as follows. "You are not to *knowingly* be with anyone who is using or possessing any illegal intoxicants, narcotics, or drugs." "In addition, you are not to *knowingly* associate with the victim or the victim's family in this or any other matter for which you appear in Court." As so modified, the dispositional order is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)

Filed November 5, 2002

H023374 PEOPLE v. DELGADO

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Rushing, J.)

Filed November 5, 2002

H024218 CHEEK v. SUPERIOR COURT; THE PEOPLE

Let a peremptory writ of mandate issue commanding the superior court to reconsider its order transferring the matter to Lake County in light of this opinion. The temporary stay order is vacated. (published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)

Filed November 5, 2002

WEDNESDAY, NOVEMBER 6, 2002

H024405 PEOPLE v. JOSEPH J.

The order is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed November 6, 2002

Sixth Appellate District

San Jose, California

Wednesday, November 6, 2002 (continued)

H020580 PEOPLE v. SCHMIDT

(Filed order modifying opinion.) The petition for rehearing is denied. This modification does not effect a change in the judgment. (Rushing, J. would grant rehearing) (not published) (Bamattre-Manoukian, Acting P.J.; and Wunderlich, J.)  
Filed November 6, 2002

H023734 BUDGET RENT A CAR CORPORATION v. COREGIS INSURANCE COMPANY, et al.

The order is affirmed. Costs are awarded to Budget. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)  
Filed November 6, 2002

H023667 PEOPLE v. SENISERO

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed November 6, 2002

H024315 PEOPLE v. MENDEZ

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Rushing, J.)  
Filed November 6, 2002

THURSDAY, NOVEMBER 7, 2002

H024256 PEOPLE v. MUNOZ

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Rushing, J.)  
Filed November 7, 2002

H023979 IN RE CARLOS A., et al; DFCS v. CYNTHIA R.

The order denying appellant's section 388 petition is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Wunderlich, J., Rushing, J.)  
Filed November 7, 2002

Sixth Appellate District

San Jose, California

Thursday, November 7, 2002 (Continued)

H022638 PEOPLE v. SANCHEZ

The conviction on count one is stricken. In all other respects, the judgment is affirmed. (not published)  
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed November 7, 2002

H023658 CHUNG v. YEW

The order after hearing is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Rushing, J.)  
Filed November 7, 2002

H022399 PEOPLE v. DAVIS

The laboratory analysis fee is reduced to \$100 and the penalty assessment is reduced to \$170. As so modified, the judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Rushing, J.)  
Filed November 7, 2002

H024070 PEOPLE v. DE LA CRUZ

The judgment is modified to reduce the restitution fine to the statutory minimum of \$200. The trial court shall correct the abstract of judgment to reflect this modification and forward a copy of the amended abstract of judgment to the Department of Corrections. As so modified, the judgment is affirmed. (not published)  
(Elia, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed November 7, 2002

H022627 PEOPLE v. GUZMAN

Accordingly, the judgment is modified to strike counts 1, 2, 3, 5, and 6. As modified, the judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)  
Filed November 7, 2002

Sixth Appellate District

San Jose, California

FRIDAY, NOVEMBER 8, 2002

H023353 PALMA V. MORRIS

For the foregoing reasons, we shall dismiss the appeal. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed November 8, 2002

H021885 PEOPLE v. IHRIG

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed November 8, 2002

H022758 PEOPLE v. PAU

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed November 8, 2002

H024408 PEOPLE v. MARY HELEN HERNANDEZ

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed November 8, 2002

H024228 PEOPLE v. JAVIER JOSE GARCIA HERNANDEZ

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed November 8, 2002